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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,493	03/04/2002		Thomas Raschke	04035.244910	6041
826	7590	07/28/2004		EXAMINER	
ALSTON &	& BIRD I	LLP	VENKAT, JYOTHSNA A		
BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000				ART UNIT	PAPER NUMBER
CHARLOT			1615		

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Communication Re: Appeal	10/090,493	RASCHKE ET AL.					
	Examiner	Art Unit					
	JYOTHSNA A VENKAT	1615					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
1. The Notice of Appeal filed on is not acceptable because:							
(a) it was not timely filed.							
(b) the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).							
(c) the appeal fee received on was not timely filed.							
(d) the submitted fee of \$ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$							
(e)  the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.							
(f) a Notice of Allowability, PTO-37, was mailed by the Office on							
2. The appeal brief filed on is NOT acceptable for the reason(s) indicated below:							
(a)  the brief and/or brief fee is untimely. See 37 CFR 1.192.							
(b) the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).							
(c) the submitted brief fee of \$ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$							
The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).							
3.   The appeal in this application is DISMISSED because	Jse:						
(a) \(\simega\) the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.							
(b)  the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.							
(c) Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on							
(d)							
4.   Because of the dismissal of the appeal, this application	ation:						
(a) 🛛 is abandoned because there are no allowed	claims.						
<ul> <li>(b) is before the examiner for final disposition be on the merits remains CLOSED.</li> </ul>	cause it contains allowed claim	s. Prosecution					
(c) is before the examiner for consideration of the to 37 CFR 1.114.	JYOTHS	NA A VENKAT Examiner					